

# COLORADO CRIMINAL CHART


Prepared by the clerks of the Denver and Aurora Immigration Courts



Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-104 (Manslaughter)</b> (1) A person commits the crime of manslaughter if: (a) Such person recklessly causes the death of another person; or (b) Such person intentionally causes or aids another person to commit suicide				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 4 Felony 6 years	<b>NO</b>  Reckless mens rea is insufficient to constitute an AgFel COV. <i>See United States v. Zuniga-Soto</i> , 527 F.3d 1110 (10th Cir. 2008).	<b>YES</b>  Reckless killing is a CIMT. <i>Matter of Wojtkow</i> , 18 I&N Dec. 111 (BIA 1981).	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-105 (Criminally Negligent Homicide)</b> : Any person who causes the death of another person by conduct amounting to criminal negligence commits criminally negligent homicide which is a class 5 felony.				
<b>None</b>	Class 5 Felony Max 3 years	<b>NO</b>  Negligent mens rea is insufficient to meet AgFel COV standard. <i>United States v. Zuniga-Soto</i> , 527 F.3d 1110 (10th Cir. 2008). <i>But see United States v. Gacnik</i> , 50 F.3d 848, 855 (10th Cir. 1995) (holding that negligent homicide under C.R.S. § 18-3-105 fit the sentencing guidelines' residual clause definition of "crime of violence," which looks to potential risk of physical injury, rather than use of force) (irrelevant in jurisdictions where 18 USC § 16(b) has been found to be unconstitutionally vague).	<b>NO</b>  <i>Matter of Lopez</i> , 13 I&N Dec. 725, 726 (BIA 1971) (involuntary manslaughter is not a CIMT); <i>Matter of N-</i> , 1 I&N Dec. 181 (BIA 1941) (holding same)	

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<b>CRS § 18-3-106 (Vehicular Homicide):</b> (1)(a) If a person operates or drives a motor vehicle in a reckless manner, and such conduct is the proximate cause of the death of another, such person commits vehicular homicide. (b)(I) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, and such conduct is the proximate cause of the death of another, such person commits vehicular homicide. This is a strict liability crime.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Reckless version is Class 4 Felony (max 6 years)  DUI version is Class 3 Felony (max 12 years)	<b>NO</b>  Recklessness is insufficient to constitute COV. <i>United States v. Zuniga-Soto</i> , 527 F.3d 1110, 1124 (10th Cir. 2008) (citing <i>Oyebanji v. Gonzales</i> , 418 F.3d 260, 264–65 (3d Cir. 2005) for the proposition that reckless vehicular homicide is not a crime of violence).	<b>(b) (5)</b> 	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-204 (Assault – 3<sup>rd</sup>)</b> (1) A person commits the crime of assault in the third degree if: (a) The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon; or (b) The person, with intent to harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causes the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material. (2) Repealed by Laws 2016, Ch. 304, § 5, eff. July 1, 2016. (3) Assault in the third degree is a class 1 misdemeanor and is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3).				
<b>Aggravated Felony: Crime of Violence</b> 237(a)(2)(A)(iii)/ 101(a)(43)(F)  <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 1 Misdemeanor, classified as “extraordinary risk” (max 2 years)	<b>(b) (5)</b> 	<b>MAYBE</b>  Depends on whether mental state was “recklessly” or “knowingly.” <i>See Garcia v. Holder</i> , 584 F.3d 1288 (10th Cir. 2009).  <b>(b) (5)</b> 	

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		(b) (5)	(b) (5)	
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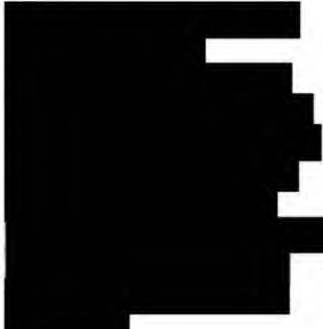
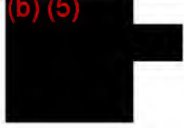
Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-205 (Vehicular Assault)</b> (1)(a) If a person operates or drives a motor vehicle in a reckless manner, and this conduct is the proximate cause of serious bodily injury to another, such person commits vehicular assault. (b)(I) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, and this conduct is the proximate cause of a serious bodily injury to another, such person commits vehicular assault. This is a strict liability crime.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	(1)(a) is a Class 5 Felony (1-3 years)  (1)(b) is a Class 4 Felony (2-6 years)	<b>NO</b>  (1)(a) Reckless mens rea is insufficient for COV determination. <i>See United States v. Zumiga-Soto</i> , 527 F.3d 1110 (10th Cir. 2008).  (1)(b) (DUI version) is strict liability, not an AgFel	(b) (5)	



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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-206 (Menacing)</b> (1) A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury. Menacing is a class 3 misdemeanor, but, it is a class 5 felony if committed: (a) By the use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon; or (b) By the person representing verbally or otherwise that he or she is armed with a deadly weapon.				
<b>Aggravated Felony: Crime of Violence</b> 237(a)(2)(A)(iii)/ 101(a)(43)(F)  <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)  <b>DV</b> 237(a)(2)(E)	Class 3 Misdemeanor (0-6 months), can aggravate to Class 5 Felony (1-3 years)	(b) (5)    <i>Damaso-Mendoza v. Holder</i> , 653 F.3d 1245 (10th Cir. 2011) (felony menacing is an AgFel COV); <i>see also United States v. Armijo</i> , 651 F.3d 1226, 1232 (10th Cir. 2011) (holding same as to sentencing guidelines).	(b) (5)	DV offense if victim has covered relationship  <i>Matter of NA-M-</i> , 24 I&N Dec. 336, 343 (BIA 2007) (Menacing conviction under this statute was found to be a particularly serious crime under respondent's factual circumstances)

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-301, Kidnapping-1st</b> (1) Any person who does any of the following acts with the intent thereby to force the victim or any other person to make any concession or give up anything of value in order to secure a release of a person under the offender's actual or apparent control commits first degree kidnapping: (a) Forcibly seizes and carries any person from one place to another; or (b) Entices or persuades any person to go from one place to another; or (c) Imprisons or forcibly secretes any person.				
<b>Aggravated Felony: Ransom Offense</b> 237(a)(2)(A)(iii)/ 101(a)(43)(H)  <b>Aggravated Felony: Crime of Violence</b> 237(a)(2)(A)(iii)/ 101(a)(43)(F)  <b>CIMT</b> 212(a)(2)(A)(i)(I)	Class 1 Felony (life imprisonment to death); can be mitigated to Class 2 Felony (8-24 years)	(b) (5)    	  	(b) (5)  

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237(a)(2)(A)(i)  DV 237(a)(2)(E)		(b) (5)		
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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p><b>CRS § 18-3-302, Kidnapping – 2<sup>nd</sup></b></p> <p>(1) Any person who knowingly seizes and carries any person from one place to another, without his consent and without lawful justification, commits second degree kidnapping.</p> <p>(2) Any person who takes, entices, or decoys away any child not his own under the age of eighteen years with intent to keep or conceal the child from his parent or guardian or with intent to sell, trade, or barter such child for consideration commits second degree kidnapping.</p> <p>(3) Second degree kidnapping is a class 2 felony if any of the following circumstances exist:</p> <p>(a) The person kidnapped is a victim of a sexual offense pursuant to part 4 of this article; or</p> <p>(b) The person kidnapped is a victim of a robbery.</p> <p>(4)(a) Unless it is a class 2 felony under subsection (3) of this section, second degree kidnapping is a class 3 felony if any of the following circumstances exist:</p> <p>(I) The kidnapping is accomplished with intent to sell, trade, or barter the victim for consideration; or</p> <p>(II) The kidnapping is accomplished by the use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon; or</p> <p>(III) The kidnapping is accomplished by the perpetrator representing verbally or otherwise that he or she is armed with a deadly weapon.</p> <p>(b) A defendant convicted of second degree kidnapping committed under any of the circumstances set forth in this subsection (4) shall be sentenced by the court in accordance with the provisions of section 18-1.3-406.</p> <p>(5) Second degree kidnapping is a class 4 felony, except as provided in subsections (3) and (4) of this section.</p>				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)  <b>DV</b> 237(a)(2)(E)	Varies from Class 2 Felony (8-24 years) to Class 3 Felony (4-16 years)	<b>NO</b>  Section (1) could be an AgFel COV but only under the 16(b) definition, as force is not required. <i>See People v. Metcalf</i> , 926 P.2d 133 (Colo. App. 1996) (seizure element for section (1) does not require use of force)  (b) (5)	(b) (5)  [REDACTED]	<i>Matter of Estrada</i> , 26 I&N Dec. 749 (BIA 2016) (applying the circumstance-specific approach to determine whether victim had a covered relationship with the respondent such that it qualified as a DV offense)



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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-303, False Imprisonment</b> (1) Any person who knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment. This section shall not apply to a peace officer acting in good faith within the scope of his or her duties. (2) False imprisonment is a class 2 misdemeanor; except that false imprisonment is a class 5 felony if: (a) The person uses force or threat of force to confine or detain the other person; and (b) The person confines or detains the other person for twelve hours or longer.				
<b>Aggravated Felony: Crime of Violence</b> 237(a)(2)(A)(iii)/ 101(a)(43)(F)  <b>DV</b> 237(a)(2)(E)	Class 2 Misdemeanor (3-12 months), can aggravate up to Class 5 Felony (1-3 years)	<b>(b) (5)</b>  	<b>NO</b>	DV offense if victim has a covered relationship.

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-404, Unlawful Sexual Conduct</b> (1) Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if: (a) The actor knows that the victim does not consent; or (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or (c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or (d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or (e) Repealed by Laws 1990, H.B.90-1133, § 25, eff. July 1, 1990.				
<b>Aggravated Felony: Rape of sexual abuse of a minor</b> 237(a)(2)(A)(iii)/ 101(a)(43)(A)  <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Varies from Class 4 Felony (2-6 years) to Class 1 Misdemeanor with Extraordinary Risk Increase (6 months to 2 years)	<b>(b) (5)</b>   <i>See Vargas v. DHS</i> , 451 F.3d 1105 (10th Cir. 2005) (finding that unlawful sexual contact under this section is categorically sexual abuse of a minor where the conviction accompanies a “contributing to the delinquency of a minor” charge)	<b>YES</b>  <i>Aee Matter of Chavez-Rodriguez</i> , 2008 WL 762650 (BIA 2008) (unpublished) (holding that section (a) of this statute is turpitudinous); <i>Matter of Guevara Alfaro</i> , 25 I&N Dec 417 (BIA 2011); <i>see also</i> C.R.S. § 18-3-401(4) (defining “sexual contact” as requiring a purpose of “sexual arousal.”	

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			gratification, or abuse"); <i>Matter of Medina</i> , 26 I&N Dec. 79 (BIA 2013) (noting that a purpose to arouse or sexually gratify one's self is turpitudinous intent).	
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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-4-202, Burglary – 1<sup>st</sup></b> (1) A person commits first degree burglary if the person knowingly enters unlawfully, or remains unlawfully after a lawful or unlawful entry, in a building or occupied structure with intent to commit therein a crime, other than trespass as defined in this article, against another person or property, and if in effecting entry or while in the building or occupied structure or in immediate flight therefrom, the person or another participant in the crime assaults or menaces any person, the person or another participant is armed with explosives, or the person or another participant uses a deadly weapon or possesses and threatens the use of a deadly weapon.				
<b>Aggravated Felony: Burglary</b> 237(a)(2)(A)(iii)/ 101(a)(43)(G)  <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 3 Felony (4-16 years)	<b>AgFel Burglary Offense</b>  <i>See People v. Bondurant</i> , 296 P.3d 200, 214 (Colo. App. 2012) (requiring unlawful entry or unlawful remaining on premises); <i>Taylor v. United States</i> , 495 U.S. 575 (1990) (defining generic burglary).	<b>Depends</b>  <i>Compare Matter of Louissant</i> , 24 I&N Dec. 754 (BIA 2009) (unlawful entry into an occupied dwelling plus intent to commit a crime is sufficient to constitute a CIMT) <i>with Matter of M-</i> , 2 I&N Dec 721 (BIA 1946) (third degree burglary of a building under New York law is not a CIMT per se, but may be depending on the crime intended therein)	



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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-4-203, Burglary – 2nd</b> (1) A person commits second degree burglary, if the person knowingly breaks an entrance into, enters unlawfully in, or remains unlawfully after a lawful or unlawful entry in a building or occupied structure with intent to commit therein a crime against another person or property.				
<b>Aggravated Felony: Burglary</b> 237(a)(2)(A)(iii)/ 101(a)(43)(G)  <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 4 Felony (2-8 years); Class 3 Felony if structure is a dwelling	<b>AgFel Burglary Offense</b>  <i>See People v. Bondurant</i> , 296 P.3d 200, 214 (Colo. App. 2012) (requiring unlawful entry or unlawful remaining on premises); <i>Taylor v. United States</i> , 495 U.S. 575 (1990) (defining generic burglary).	<b>Depends</b>  <i>Compare Matter of Louissant</i> , 24 I&N Dec. 754 (BIA 2009) (unlawful entry into an occupied dwelling plus intent to commit a crime is sufficient to constitute a CIMT) with <i>Matter of M-</i> , 2 I&N Dec 721 (BIA 1946) (third degree burglary of a building under New York law is not a CIMT per se, but may be depending on the crime intended therein)	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-4-204, Burglary – 3rd</b> (1) A person commits third degree burglary if with intent to commit a crime he enters or breaks into any vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment whether or not coin operated. (2) Third degree burglary is a class 5 felony, but it is a class 4 felony if it is a burglary, the objective of which is the theft of a controlled substance, as defined in section 18-18-102(5), lawfully kept in or upon the property burglarized.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 5 Felony (1-4 years)	<b>No</b>  No entry into structure required	<b>Depends</b>  <i>Matter of Perez</i> , 22 I&N Dec. 1325 (2000) (entry into a vehicle is broader than generic burglary offense); <i>Taylor v. United States</i> , 495 U.S. 575 (1990) (defining generic burglary); <i>Matter of M-</i> , 2 I&N Dec. 721 (BIA 1946);	



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			<i>e.g. People v. Geyer</i> , 942 P.2d 1297 (Colo. App. 1996) (jury specifically found the defendant intended to commit the crime of theft upon breaking into display case).	
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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-4-301, Robbery</b> (1) A person who knowingly takes anything of value from the person or presence of another by the use of force, threats, or intimidation commits robbery.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 4 Felony (2-8 years)	Not an AgFel Theft Offense: <b>(b) (5)</b>  <i>People v. Meeks</i> , 542 P.2d 397, 398 (Colo. App. 1975) (intent to deprive the owner of his property is not an element, theft is not a lesser-included offense of robbery); <i>Matter of Garcia</i> , 2009 WL 3250483 (BIA 2009) (unpublished) (holding that robbery under C.R.S. § 18-4-301) is an AgFel COV); <i>see also United States v. Patillar</i> , 595 F.3d 1138, 1140 (10th Cir. 2010) (holding that larceny from the person is a COV under the sentencing guidelines for the risk of physical injury); <i>People v. Jenkins</i> , 599 P.2d 912, 914 (Colo. 1979) (defining “intimidation” as placing a victim in fear of the use of “force or violence”)	<i>People v. Meeks</i> , 542 P.2d 397, 398 (Colo. App. 1975) (intent to deprive the owner of his property is not an element, theft is not a lesser-included offense of robbery); <i>Matter of Martin</i> , 18 I&N Dec. 226, 227 (BIA 1982) (collecting cases for proposition that robbery is “universally recognized” as a CIMT);	

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<b>CRS § 18-4-302, Aggravated Robbery</b> (1) A person who commits robbery is guilty of aggravated robbery if during the act of robbery or immediate flight therefrom: (a) He is armed with a deadly weapon with intent, if resisted, to kill, maim, or wound the person robbed or any other person; or (b) He knowingly wounds or strikes the person robbed or any other person with a deadly weapon or by the use of force, threats, or intimidation with a deadly weapon knowingly puts the person robbed or any other person in reasonable fear of death or bodily injury; or (c) He has present a confederate, aiding or abetting the perpetration of the robbery, armed with a deadly weapon, with the intent, either on the part of the defendant or confederate, if resistance is offered, to kill, maim, or wound the person robbed or any other person, or by the use of force, threats, or intimidation puts the person robbed or any other person in reasonable fear of death or bodily injury; or (d) He possesses any article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or represents verbally or otherwise that he is then and there so armed.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)  <b>Aggravated Felony: Crime of Violence</b> 237(a)(2)(A)(iii)/ 101(a)(43)(F)	Class 3 Felony With "extraordinary risk" modifier (4-16 years)	(b) (5)	<b>Yes</b>  18 U.S.C. § 16; <i>Matter of Martin</i> , 18 I&N Dec. 226, 226 (BIA 1982) (Colorado aggravated robbery conviction (1980) is a CIMT)	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-4-409, Aggravated Motor Vehicle Theft</b> (1) As used in this section, unless the context otherwise requires: (a) "Motor vehicle" means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails. (b) "Vehicle identification number" means the serial number placed upon the motor vehicle by the manufacturer thereof or assigned to the motor vehicle by the department of revenue. (2) A person commits aggravated motor vehicle theft in the first degree if he or she knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and: (a) Retains possession or control of the motor vehicle for more than twenty-four hours; or (b) Attempts to alter or disguise or alters or disguises the appearance of the motor vehicle; or (c) Attempts to alter or remove or alters or removes the vehicle identification number; or (d) Uses the motor vehicle in the commission of a crime other than a traffic offense; or (e) Causes five hundred dollars or more property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle; or (f) Causes bodily injury to another person while he or she is in the exercise of control of the motor vehicle; or (g) Removes the motor vehicle from this state for a period of time in excess of twelve hours; or (h) Unlawfully attaches or otherwise displays in or upon the motor vehicle license plates other than those officially issued for the motor vehicle. (3) Aggravated motor vehicle theft in the first degree is a: (a) Class 5 felony if the value of the motor vehicle or motor vehicles involved is less than twenty thousand dollars; (a.5) Class 4 felony if the value of the motor vehicle or motor vehicles involved is twenty thousand dollars or more but less than one hundred thousand dollars; (b) Class 3 felony if the value of the motor vehicle or motor vehicles involved is more than one hundred thousand dollars or if the defendant has twice previously been convicted or adjudicated of charges separately brought and tried either in this state or elsewhere of an offense involving theft of a motor vehicle under the laws of this state, any other state, the United States, or any				



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territory subject to the jurisdiction of the United States.

(4) A person commits aggravated motor vehicle theft in the second degree if he or she knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and if none of the aggravating factors in subsection (2) of this section are present. Aggravated motor vehicle theft in the second degree is a:

(a) Class 5 felony if the value of the motor vehicle or motor vehicles involved is twenty thousand dollars or more;

(b) Class 6 felony if the value of the motor vehicle or motor vehicles involved is one thousand dollars or more but less than twenty thousand dollars;

(c) Class 1 misdemeanor if the value of the motor vehicle or motor vehicles involved is less than one thousand dollars.

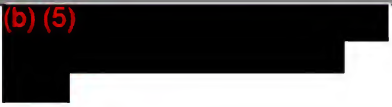

(4.5) Whenever a person is convicted of, pleads guilty or nolo contendere to, receives a deferred judgment or sentence for, or is adjudicated a juvenile delinquent for, a violation of this section, the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.

(5) Consistent with section 18-1-202, if the theft of a motor vehicle occurs in one jurisdiction and the motor vehicle is recovered in another jurisdiction, the offender may be tried in the jurisdiction where the theft occurred, in any jurisdiction through which the motor vehicle was operated or transported, or in the jurisdiction in which the motor vehicle was recovered.

<b>Aggravated Felony: Fraud of Deceit</b> 237(a)(2)(A)(iii)/ 101(a)(43)(M)	Varies depending on value of vehicle	(b) (5)  <i>Martinez-Diaz v. Holder</i> , 457 F. App'x 774, 777 (10th Cir. 2012) (holding that alien did not establish conviction under this section was not an AgFel under 101(a)(43)(M))	(b) (5)	
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<b>CRS § 18-5-102, Forgery</b> (1) A person commits forgery, if, with intent to defraud, such person falsely makes, completes, alters, or utters a written instrument which is or purports to be, or which is calculated to become or to represent if completed: (a) Part of an issue of money, stamps, securities, or other valuable instruments issued by a government or government agency; or (b) Part of an issue of stock, bonds, or other instruments representing interests in or claims against a corporate or other organization or its property; or (c) A deed, will, codicil, contract, assignment, commercial instrument, promissory note, check, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status; or (d) A public record or an instrument filed or required by law to be filed or legally fileable in or with a public office or public servant; or (e) A written instrument officially issued or created by a public office, public servant, or government agency; or (f) Part of an issue of tokens, transfers, certificates, or other articles manufactured and designed for use in transportation fees upon public conveyances, or as symbols of value usable in place of money for the purchase of property or services available to the public for compensation; or (g) Part of an issue of lottery tickets or shares designed for use in the lottery held pursuant to part 2 of article 35 of title 24, C.R.S.; or (h) A document-making implement that may be used or is used in the production of a false identification document or in the production of another document-making implement to produce false identification documents. (2) Forgery is a class 5 felony. (3) Uttering a forged document to a peace officer shall create a presumption that the person intended to defraud such peace officer.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Class 5 Felony (1-4 years)	<b>(b) (5)</b> 	<b>(b)</b> 	
<b>Aggravated Felony</b> 237(a)(2)(A)(iii)		<i>Matter of Lucero-Carrera</i> , 2008 WL 5181816 (BIA 2008) (unpublished) (holding that conviction under C.R.S. § 18-5-102 is categorically a forgery AgFel)		



# COLORADO CRIMINAL CHART

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-5-105, Criminal Possession of a Forged Instrument</b> A person commits a class 6 felony when, with knowledge that it is forged and with intent to use to defraud, such person possesses any forged instrument of a kind described in section 18-5-102.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)  <b>Aggravated Felony</b> 237(a)(2)(A)(iii)	Class 2 Misdemeanor (3-12 months)	(b) (5)	Matter of Serna, 20 I&N Dec. 579 (BIA 1992) (possession of a forged document is only turpitudinous with coupled with intent to defraud); see also Matter of Rodriguez, 2008 WL 2079342 (BIA 2008) (holding that conviction under this statute is a CIMT).	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-5-113, Criminal Impersonation</b> (1) A person commits criminal impersonation if he or she knowingly: (a) Assumes a false or fictitious identity or legal capacity, and in such identity or capacity he or she: (I) Marries, or pretends to marry, or to sustain the marriage relation toward another without the connivance of the latter; (II) Becomes bail or surety for a party in an action or proceeding, civil or criminal, before a court or officer authorized to take the bail or surety; or (III) Confesses a judgment, or subscribes, verifies, publishes, acknowledges, or proves a written instrument which by law may be recorded, with the intent that the same may be delivered as true; or (b) Assumes a false or fictitious identity or capacity, legal or other, and in such identity or capacity he or she: (I) Performs an act that, if done by the person falsely impersonated, might subject such person to an action or special proceeding, civil or criminal, or to liability, charge, forfeiture, or penalty; or (II) Performs any other act with intent to unlawfully gain a benefit for himself, herself, or another or to injure or defraud another. (2) Criminal impersonation is a class 6 felony. (3) For the purposes of subsection (1) of this section, using false or fictitious personal identifying information, as defined in section 18-5-901(13), shall constitute the assumption of a false or fictitious identity or capacity.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)  <b>Aggravated Felony</b> 237(a)(2)(A)(iii)	Class 6 Felony (1 year to 18 months)	(b) (5)	Veloz-Luvevano v. Lynch, 799 F.3d 1308, 1313 n.5 (10th Cir. 2015) (noting that this statute inherently involves fraud because it requires the assumption of a fictitious identity)	

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-5-903.5, Criminal Possession of a Financial Device</b> (1) A person commits criminal possession of a financial device if the person has in his or her possession or under his or her control any financial device that the person knows, or reasonably should know, to be lost, stolen, or delivered under mistake as to the identity or address of the account holder.				
	Class 1 Misdemeanor (6-18 months)	(b)	No  <i>People v. Stevenson</i> , 881 P.2d 383 (Colo. App. 1994) (noting that this is a “strict liability offense requiring only the voluntary act of knowingly possessing a device”)	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-6-401, Child Abuse</b> ...				
<b>Crime Against Children:</b> 237(a)(2)(E)  <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Penalty varies based on mental state and degree of injury to child	No  <i>See Matter of Sweetser</i> , 22 I&N Dec. 709 (BIA 1999) (examining Colorado statute under AgFel COV standard)	(b) (5)	<i>Matter of Soram</i> , 25 I&N Dec. 378 (BIA 2010) (interpreting Colorado statute)

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-6-403, Sexual Exploitation of a Child</b> ...				
<b>Crime Against Children:</b> 237(a)(2)(E) <b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i) <b>AgFel: child pornography</b> 237(a)(2)(A)(iii)/ 101(a)(43)(I)	Class 3 Felony (4-16 years)	(b) (5)  <i>Serrato-Navarrete v. Holder</i> , 601 F. App'x 734, 738 (10th Cir. 2015) (unpublished) (holding that convictions under section (3)(b.5) are categorical AgFels)	(b) (5)  <i>Matter of Guevara Alfaro</i> , 25 I&N Dec 417 (BIA 2011) (any intentional sexual contact by adult with a child known to be under 16 is a CIMT)	



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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-3-412.5, Failure to Register as a Sex Offender</b> ...				
	Varies depending on underlying sex offense	(b)	No  <i>Efagene v. Holder</i> , 642 F.3d 918 (10th Cir. 2011) (holding that Colorado's Failure to Register statute is categorically not a CIMT).	

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-6-701, Contributing to the Delinquency of a Minor</b> (1) Any person who induces, aids, or encourages a child to violate any federal or state law, municipal or county ordinance, or court order commits contributing to the delinquency of a minor. For the purposes of this section, the term "child" means any person under the age of eighteen years. (2) Contributing to the delinquency of a minor is a class 4 felony. (3) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the court knows the person is a current or former employee of a school district in this state or holds a license or authorization pursuant to the provisions of article 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.				
<b>CIMT</b> 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)  <b>AgFel</b> 237(a)(2)(A)(iii)	Class 4 Felony (2-8 years)	<b>Depends on the predicate offense, which is an element of the crime</b>  <i>Vargas v. DHS</i> , 451 F.3d 1105 (10th Cir. 2005) (applying the modified categorical approach to determine which crime the alien "induced, aided, or encouraged the child to violate"); <i>People v. Corpening</i> , 837 P.2d 249, 252 (Colo. App. 1992)	<b>Depends on the predicate offense, which is an element of the crime</b>	

# COLORADO CRIMINAL CHART

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p><b>CRS § 18-9-111, Harassment</b></p> <p>(1) A person commits harassment if, with intent to harass, annoy, or alarm another person, he or she:</p> <p>(a) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or</p> <p>(b) In a public place directs obscene language or makes an obscene gesture to or at another person; or</p> <p>(c) Follows a person in or about a public place; or</p> <p>(d) Repealed by Laws 1990, H.B.90-1118, § 11.</p> <p>(e) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene; or</p> <p>(f) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or</p> <p>(g) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or</p> <p>(h) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response.</p> <p>(1.5) As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.</p> <p>(2) Harassment pursuant to subsection (1) of this section is a class 3 misdemeanor; except that harassment is a class 1 misdemeanor if the offender commits harassment pursuant to subsection (1) of this section with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, or national origin.</p> <p>(3) Any act prohibited by paragraph (e) of subsection (1) of this section may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, or other electronic communication was either made or received.</p> <p>(4) Repealed by Laws 2010, Ch. 88, § 2, eff. Aug. 11, 2010.</p> <p>(5) Repealed by Laws 2010, Ch. 88, § 2, eff. Aug. 11, 2010.</p> <p>(6) Repealed by Laws 2010, Ch. 88, § 2, eff. Aug. 11, 2010.</p> <p>(7) Paragraph (e) of subsection (1) of this section shall be known and may be cited as "Kiana Arellano's Law".</p> <p>(8) This section is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.</p>				
<p><b>CIMT</b></p> <p>212(a)(2)(A)(i)(I)</p> <p>237(a)(2)(A)(i)</p> <p><b>AgFel</b></p> <p>237(a)(2)(A)(iii)</p>	<p>Class 3 Misdemeanor (0-6 months)</p>	<p><b>(b) (5)</b></p> <p><i>United States v. Maldonado-Lopez</i>, 517 F.3d 1207 (10<sup>th</sup> Cir. 2008) (offense is divisible and some offenses listed under harassment statute could be COVs under the 16(a) definition incorporated into the sentencing guidelines); <i>see also Matter of Castaneda</i>, 2004 WL 848568 (BIA 2004) (unpublished) (holding same as to COV definition under 16(a)).</p>	<p><b>(b) (5)</b></p>	



# COLORADO CRIMINAL CHART

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>CRS § 18-12-102, Possessing a Dangerous or Illegal Weapon</b> (1) As used in this section, the term “dangerous weapon” means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife. (2) As used in this section, the term “illegal weapon” means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife. (3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony. (4) A person who knowingly possesses an illegal weapon commits a class 1 misdemeanor. (5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, or to the charge of possessing an illegal weapon, that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties, or that said person has a valid permit and license for possession of such weapon.				
<b>AgFel</b> 237(a)(2)(A)(iii)  <b>Firearm Offense</b> 237(a)(2)(C)	Class 1 Misdemeanor (6-18 months); Class 5 Felony (1-3 years)	<b>(b) (5)</b>  <i>See</i> INA § 101(a)(43)(E)	<b>(b)</b>	some of the listed “dangerous weapons” are prohibited under the federal statutes cited in the AgFel provision, 26 U.S.C. § 5861(b), (c), and the character of the weapon is an element of the offense, <i>see People v. Sandoval</i> , 2016 COA 14 (Colo. App. 2016).

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